

**United States Bankruptcy Court  
Eastern District of Pennsylvania**

In re	<u>Roman Zilberman Liliya Zilberman</u>	Debtor(s)	Case No.	<u>15-10093</u>
			Chapter	<u>13</u>

In re:

	:	Chapter 13
ROMAN ZILBERMAN	:	
LILIYA ZILBERMAN	:	No.: 15-10093
	:	
Debtor(s)	:	
_____	:	
ROMAN ZILBERMAN AND	:	
LILYA ZILBERMAN	:	ADVERSARY ACTION
	:	
Movant(s)	:	
	:	
v.	:	
	:	
Citibank, N.A.	:	
	:	
Respondent	:	
_____	:	

MOTION TO DETERMINE SECURED STATUS OF CITIBANK MORTGAGE COMPANY AND TO STRIP LIEN  
EFFECTIVE UPON DISCHARGE

COME NOW, Roman Zilberman and Liliya Zilberman ("Debtors") by and through her counsel, Tova Weiss, and file this Motion to Determine Secured Status of Citibank, N.A. and to Strip Lien pursuant to 11 U.S.C. Section 506(d) and in support thereof states as follows:

1. The Debtor filed a petition for relief under Chapter 13 of the Bankruptcy Code on January 5, 2015. The Court has jurisdiction of this matter pursuant to 28 U.S.C. Section 1334. This is a core proceeding under 28 U.S.C. Section 157(b).

2. The Debtors own real property located, their residence at 3130 E. Village Court, Holland, PA 18966.

3. The Debtors' said real property is encumbered by two liens:

(a) First Mortgage, Seterus Bank- \$222,251.10

(b) Second Mortgage, Citibank, N.A. - \$102, 381.88

(See attached Proof of Claims, #8-1 and #7-1, Exhibit "A.")

4. Based upon eappraisal, the value of the Real Property is not more than \$217,158. (See attached eappraisal, p.1 and p.5 January 6, 2015, Exhibit "B.")

5. Pursuant to 11 U.S.C. Section 506(a), Citibank's, Second mortgage, claim number 7-1 is wholly unsecured and is subject to a determination that the lien securing Citibank's second mortgage is void upon entry of a discharge in this case. In re Tanner, 217 F.3d 1357 (11<sup>th</sup> Cir. 2000).

WHEREFORE, the Debtor respectfully requests this Honorable Court to enter an order as follows:

(a) Granting the Motion;

(b) Determining that the amount of the second mortgage lien of Citibank exceeds the value of the Real Property;

(c) Determining that Citibank's claims may be treated as an unsecured claim (second mortgage);

(d) Voiding the mortgage lien of Citibank (second mortgage) effective upon entry of a Chapter 13 discharge; and

(e) Granting such other and further relief as the Court deems appropriate.

Respectfully submitted:  
Blitshtein & Weiss, P.C.

Date: 5/18/2015

By: /s/TovaWeiss  
Tova Weiss  
Attorney for Debtors  
648 2<sup>nd</sup> Street Pike  
Southampton, PA 18966  
(215) 364-4900 Phone  
(215) 364-8050 Fax

